



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640
Internet Address: <http://www.swrcb.ca.gov/~rwqcb4>



Gray Davis
Governor

To: Interested Persons

From: Melinda Becker, Unit Chief
Environmental Scientist, Standards & TMDL Unit
California Regional Water Quality Control Board, Los Angeles Region

Date: April 4, 2003

Subject: Notice of Public Hearing for a proposed amendment to the *Water Quality Control Plan for the Los Angeles Region* to modify the recreational beneficial use designations for "Ballona Creek" and "Ballona Creek to Estuary."

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will consider a proposed amendment to the *Water Quality Control Plan for the Los Angeles Region* to update the recreational beneficial use designations for the two reaches of Ballona Creek upstream of the estuary - "Ballona Creek" and "Ballona Creek to Estuary". Additional regulations or policies, consistent with the general purpose of the proposed amendment and complementary to the proposal may be developed at the hearing as a logical outgrowth. Copies of the proposed resolution and staff report may be obtained from the Regional Board's web site at (www.swrcb.ca.gov/rwqcb4; select "Basin Plan" under the "Quick Menu"). Please contact Ginachi Amah (213/576-6685) for additional information.

***A Public Hearing will be held on June 5, 2003
at 9:00 a.m. at the Metropolitan Water District of Southern California,
Board Room, 700 North Alameda Street, Los Angeles, California.***

Written comments and exhibits must be submitted to the Regional Board no later than 5:00 p.m. on May 19, 2003. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, title 23, § 649.4).

Comments should be submitted to:

California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street
Los Angeles California, 90013

ATTN: Ginachi Amah

All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing.

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Background

The proposed amendment would update the current recreational uses for “Ballona Creek” and “Ballona Creek to Estuary” outlined in the Basin Plan. The Regional Board’s goal in updating these uses is to assign water quality objectives that accurately reflect the existing and potential recreational beneficial uses of “Ballona Creek” and “Ballona Creek to Estuary.” The proposed revisions are based on a use attainability analysis of the recreational uses of both segments of Ballona Creek, performed by Regional Board staff from March to August of 2002. The proposed amendment will not have any adverse environmental impacts.

Staff has determined that REC-1 is not an existing use, and that attaining such a use is not feasible, in “Ballona Creek” (Reach 1) and “Ballona Creek to Estuary” (Reach 2). Therefore staff recommends removal of the REC-1 designation of the “Ballona Creek” segment and modification of the REC-1 designation in “Ballona Creek to Estuary” to “Limited REC-1” (LREC-1) to account for incidental water contact in this segment of the creek. REC-2 bacteria objectives, which are currently described in the Basin Plan, will still apply to Reach 1. Limited REC-1 in Reach 2 will provide a lower level of protection than the current REC-1 designation, based on frequency of use. This approach is consistent with USEPA guidance which suggests higher levels for bacteria limits with decreasing frequency of use in a waterbody (“Ambient Water Quality Criteria for Bacteria – 1986” USEPA). In this guidance document, options are presented for sub-dividing REC-1 according to the following qualitative use intensities (i) beach area (high frequency), (ii) moderate use, (iii) lightly used, and (iv) infrequently used; less intensively used areas are allowed less restrictive single sample limits for indicator bacteria densities.

Staff proposes the application of water quality objectives for “infrequently used” waterbodies to the LREC-1 beneficial use. For this level of use, EPA suggests a less stringent single sample limit of 576/100 ml for E. coli density (see Table 4 in EPA’s “Ambient Water Quality Criteria for Bacteria – 1986”. Report No. EPA 330/5-84-002, January 1986). However, the geometric mean limits of 126/100 ml for E. coli density, and 200/100ml fecal coliform density, will remain unchanged.

There are several reasons to amend the beneficial uses of “Ballona Creek” and “Ballona Creek to Estuary”. First and foremost, the beneficial uses form the cornerstone of water quality protection under the Basin Plan and should reflect the existing and potential uses of the waterbodies to which they are assigned. The proposed beneficial use modifications are based on a use attainability analysis conducted by Regional Board staff, which has provided updated information on existing and actual use of the creek, and the physical factors which restrict the future potential use. Such a determination is timely, since a bacteria Total Maximum Daily Load (TMDL) is currently in development for Ballona Creek.

Second, Ballona Creek is a concrete-lined flood protection channel constructed to reduce the incidence of flooding in the urbanized watershed by conveying stormwater runoff to the ocean as efficiently as possible. Fencing and the configuration of the channel walls in certain sections, especially in “Ballona Creek” limit direct access for the purpose of recreational use; and therefore restrict direct contact with the water in the creek.



Finally, physical conditions within “Ballona Creek” and “Ballona Creek to Estuary,” are not capable of supporting REC-1 use for the following reasons:

- (i) Water levels for most of the year – particularly in the dry-weather when recreational use is at its greatest is insufficient to support activities that could reasonably result in ingestion of water.
- (ii) When sufficiently high levels do occur –during periods of storm events, the high flow velocity presents a life-threatening hazard for anyone entering the water.

In the event that limited water contact recreation occurs in a waterbody that lacks suitable water quality and physical characteristics to support a recreational swimming use now or in the future, EPA suggests (in 40 CFR Part 131. “Water Quality Standards Regulation; Proposed Rules.” Tuesday, July 7, 1998) that primary contact recreation may not be an existing use.

